

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MARIO LACY,)	
Plaintiff,)	C.A No. 04-11492-REK
)	
v.)	
)	
WILLIAM J. FEENEY, KENNETH)	
HEARNS, JEAN MOSES)	
ACLOQUE,)	
and the CITY OF BOSTON,)	
Defendants.)	
)	

**PLAINTIFF'S SUPPLEMENTAL MOTION FOR LEAVE OF COURT
TO FILE MOTION FOR SUMMARY JUDGMENT LATE**

Now comes the plaintiff and respectfully renews his request that this Honorable Court allow him leave to file late his motion for summary judgment and supporting materials.

The original motion for leave to file late was filed the same day that this court issued its decision dismissing Plaintiff's Motion for Summary Judgment on grounds that the motion was improperly before the court because it was filed late, with no motion to file late. Plaintiff now renews his Motion to For Leave to File Late in light of the fact that the court likely did not have plaintiff's original (3/13/06) Motion to For Leave to File Late when the 3/13/06 Dismissal Order was entered.

The deadline for summary judgment motions was extended to January 31, 2006 to enable plaintiff to depose an added party, Jean Moses Acloque. Due to scheduling issues confronting both parties, that deposition did not take place until January, 18 2006. The transcript of that deposition was not received by plaintiff's counsel until several days *after* the deadline for filing of dispositive motions. Defendants were aware that plaintiff was waiting for the deposition of Acloque to file their motion, as that was the primary reason for asking for an extension for filing of dispositive motions. (See 11/9/05 Electronic ORDER entered granting Motion to extend

deadlines and to continue date of trial due.) Plaintiff began drafting the Motion for Summary Judgment as soon as practicable after receiving Acloque's deposition transcript, and filed the motion on February 23, 2006, only 23 days after the deadline.

Counsel for the plaintiff apologizes for the inadvertence in failing to file its Motion For Leave to File Late, and has no objection to the defendants being afforded additional time to respond to the motion for summary judgment should this Court allow the leave to file late. Plaintiff would be prejudiced by not addressing issues of law raised in his Summary Judgment motion before trial, and the resolution of these issues before trial is in the interests of judicial economy.

For the foregoing reasons, plaintiff respectfully requests that the court consider his Motion for Summary Judgment, now that a Motion to File Late has been properly filed.

Respectfully submitted,
MARIO LACY,
By his attorneys,

//s// Jessica D. Hedges
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CERTIFICATE OF SERVICE

I, Jessica D. Hedges, hereby certify that on this 24th day of March, 2006, I served a true and correct copy of the foregoing PLAINTIFF'S MOTION FOR LEAVE OF COURT TO FILE MOTION FOR SUMMARY JUDGMENT LATE, where unable to do so electronically, by United States First-Class Mail, postage prepaid, to all counsel of record in this matter.

//s// Jessica D. Hedges
Jessica D. Hedges